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Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixty-eighth year

Report of the International Tribunal for the Former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex) which states that:

> The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

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Letter of transmittal

2 August 2013

I have the honour to submit the twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 2 August 2013, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

(*Signed*) Theodor **Meron**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 covers the period from 1 August 2012 to 31 July 2013.

The Tribunal continued to focus on the completion of all trials and appeals, rendering 13 trial, appeal and contempt judgements. All 161 indicted individuals have been accounted for and, at the close of the reporting period, 21 persons were in appeal proceedings or had been granted extensions to file their notices of appeal, while four persons were on trial. The report details the activities of the Tribunal during the reporting period and demonstrates the Tribunal's commitment to completing its proceedings as soon as possible, without sacrificing due process. However, as appeals in the *Prlić et al.* case will fall under the jurisdiction of the Tribunal, appellate work at the Tribunal is now projected to continue until mid-2017.

The President continued his efforts to streamline procedures and to improve the pace of the Tribunal's work. In particular, he encouraged the Security Council to ensure that the Tribunal had a full complement of judges in order to prevent any potential delays caused by the increased workload of the Appeals Chamber. Staff attrition remained a serious challenge to the work of the Tribunal.

With the valuable assistance of the Office of Legal Affairs of the Secretariat and the Security Council Informal Working Group on International Tribunals, the Tribunal coordinated a smooth transition of functions to the International Residual Mechanism for Criminal Tribunals. On 1 July 2013, the Hague Branch of the Mechanism began operating, following the successful launch of the Arusha Branch on 1 July 2012.

During the reporting period the Tribunal continued to make significant contributions to both the development of legal norms of international criminal law and procedure, and to the maintenance of peace and stability in the States of the former Yugoslavia. The Tribunal's success is underlined by the fact that all 161 indictees are accounted for, and by the Tribunal's reputation for procedural fairness and impartiality.

The Office of the Prosecutor made progress towards the completion of the Tribunal's mandate at both the trial and appellate levels. The Office of the Prosecutor continued to develop working relationships with the authorities of the States of the former Yugoslavia to encourage cooperation with the Tribunal and to support domestic war crimes prosecutions.

Under the authority of the President, the Registry provided administrative and judicial support to the Tribunal, coordinating a wide range of legal, policy and operational matters. The Registry also coordinated practical arrangements necessary for the transfer of responsibilities to the Mechanism.

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I. Introduction

1. The twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 outlines the activities of the Tribunal for the period from 1 August 2012 to 31 July 2013.

2. During the reporting period, the Tribunal continued to implement its completion strategy as endorsed by the Security Council in resolution 1503 (2003) and to focus on ensuring that trial and appeal proceedings were not delayed. At the close of the reporting period, 21 persons were in appeal proceedings or had been granted extensions to file notices of appeal, and four persons were on trial. The Trial Chambers delivered judgements in the *Haradinaj et al.*, *Prlić et al.*, *Stanišić and Simatović*, *Stanišić and Župljanin*, and *Tolimir* cases. Appeals arising from all of these cases except for *Haradinaj et al.* are now pending before the Tribunal. The Appeals Chamber delivered judgements in the *Gotovina and Markač*, *Lukić and Lukić*, and *Perišić* cases, and in the Prosecution's appeal against the acquittal of Mr. Karadžić pursuant to rule 98 bis of the Rules of Procedure and Evidence of the Tribunal. A contempt trial judgement was delivered in the *Krstić* case, and contempt appeal judgements were delivered in the *Rašić* case and in two cases arising from the *Šešelj* trial proceedings. The Tribunal has concluded proceedings against 136 of the 161 persons indicted by the Tribunal. There are no outstanding indictments for violations of core statutory crimes.

3. The Registrar, John Hocking, was reappointed by the Secretary-General, in consultation with the President of the Tribunal, on 17 April 2013 with effect from 15 May 2013. The President, Judge Theodor Meron, and the Prosecutor, Serge Brammertz, continued to fulfil their duties at the Tribunal.

4. Various measures were taken during the reporting period to ensure that the Tribunal operated as efficiently as possible while preserving the highest levels of procedural fairness. Those efforts included coordination with the Security Council to ensure that the Tribunal was assigned its full complement of judges in order to address any potential delays caused by the Appeals Chamber's increased workload.

5. The pace of the Tribunal's trials and appeals continued to be affected by staffing shortages and the loss of highly experienced staff members. Despite resolutions adopted by the General Assembly and the Security Council on the issue of staff retention, this problem persisted throughout the reporting period.

II. Activities involving the entire Tribunal

A. President

6. The President oversaw the Tribunal's work, focusing on the judicial responsibilities of his office and on initiatives aimed at the timely completion of trials and appeals. He also pursued capacity-building and legacy projects and met with Governments and international organizations.

1. Clarifying procedures and strengthening the Appeals Chamber

7. During the reporting period, the Tribunal amended rule 33 bis of the Rules in order to clarify the functions of the Deputy Registrar. Rule 33 ter of the Rules was adopted to designate the functions of the Head of Chambers. The Tribunal amended rule 69 of the Rules to allow both the Prosecutor and defence counsel to apply for an order of non-disclosure concerning the identity of a victim or witness in certain circumstances and to provide trial chambers with more flexibility in determining when the identity of such a victim or witness shall be disclosed. Lastly, rule 126 of the Rules was amended to clarify that the time for doing an act after the filing of a relevant document shall begin to run as from the date that the document is distributed.

8. The President coordinated closely with judges of the Tribunal, the Office of Legal Affairs, and the Security Council Working Group to reduce the risk of delays in trials and appeals. Among other efforts, the President closely monitored the progress of cases and proactively assigned additional legal staff to teams requiring assistance. The President actively worked to prevent any potential delays caused by the Appeals Chamber's increased workload. In particular, the President sought a rapid replacement for Appeal Judge Andrésia Vaz (Senegal), who demitted office on 31 May 2013. The President also noted that, although the Security Council anticipated and planned for the shift from trial to appeals work by authorizing the redeployment of four permanent trial judges to the Appeals Chamber, such redeployments were prevented by the ongoing trials of late-arrested accused. In response the Security Council determined to return the Tribunal to its full complement of judges through election of a replacement judge to be assigned to the Appeals Chamber.

2. Capacity-building and legacy

9. The Tribunal continued working with the Organization for Security and Cooperation in Europe (OSCE) on the second phase of the War Crimes Justice Project. This project included skills training for judges, prosecutors and defence lawyers in the former Yugoslavia. In addition, the Tribunal participated in peer-to-peer meetings for judges and witness support services in the region.

10. The Tribunal also continued working with local authorities and international partners to establish information centres in the former Yugoslavia. In Bosnia, the Mayor of Sarajevo, with the support of Bosniak and Bosnian Croat members of the Presidency, has pledged space for an information centre in the renovated National Library in Sarajevo. The Bosnian Serb members of the Presidency also indicated support for the Sarajevo information centre, as well as for the establishment of a centre in Banja Luka. The Tribunal is awaiting further information from the authorities in Banja Luka with regard to the premises and other resources that they would provide for the project. In Croatia, the authorities informed the Tribunal that an information centre could be hosted on the premises of the University of Zagreb should the decision be made to establish a centre in Croatia. Initiatives in both countries will require external funding and support.

11. In May 2013, to mark the twentieth anniversary of its establishment by the Security Council in its resolution 827 (1993), the Tribunal hosted a ceremony in The Hague attended by many dignitaries, including His Majesty King Willem-Alexander of the Netherlands and the Under-Secretary-General for Legal Affairs, Patricia

O'Brien. The Tribunal is also planning a conference to be held in Sarajevo later in 2013, to which representatives from all States of the former Yugoslavia will be invited.

3. Relations with Governments and international organizations

12. Throughout the reporting period the President conducted missions to several States, during which he provided briefings on the Tribunal's work, the implementation of the completion strategy, the transition to the International Residual Mechanism, and challenges facing the Tribunal. The President undertook such visits to the United Kingdom from 28 September to 1 October 2012 and again from 6 to 11 March 2013, to the United States on 18 and 19 October 2012, to Canada from 23 to 27 October 2012, to France on 21 January 2013, and to China from 30 May to 1 June 2013. In addition, from 13 to 16 May 2013, the President joined a visit to St. Petersburg organized by the city of The Hague in conjunction with leaders of international institutions based in The Hague.

13. The President also made presentations regarding the Tribunal's work to the principal organs of the United Nations. On 15 October 2012, the President addressed the General Assembly regarding the Tribunal's nineteenth annual report (see A/67/PV.24). On 5 December 2012, the President addressed the Security Council to present the Tribunal's eighteenth completion strategy report (see S/PV.6880). On 12 June 2013, the President addressed the Security Council regarding the Tribunal's nineteenth completion strategy report (see S/PV.6977).

14. Various representatives of Governments and judiciaries visited the Tribunal during the reporting period and met with the President, judges and other officials to learn about the Tribunal's achievements, challenges and ongoing work. Such visitors included the Minister of Justice of Serbia, Nikola Selaković, who met with the President on 17 January 2013. On 31 January the Tribunal also welcomed judges and other officials from Albania, Turkey and various States of the former Yugoslavia. On 28 May 2013, the Chief Parliamentary Ombudsman of Sweden, Elisabet Fura, visited the Tribunal, and the President of Germany, Joachim Gauck, visited on 30 May 2013. From 24 to 28 June 2013, the Tribunal welcomed a group of French judges and prosecutors. The Tribunal was also visited by judges and court reporters from Croatia on 16 and 17 July 2013.

4. Judicial activity

15. The statute of the Tribunal, the Rules and the Practice Directions confer upon the President certain judicial functions, and in carrying out such duties the President issued numerous orders assigning cases to Chambers, and reviewed several decisions of the Registrar. The President also considered 14 requests for pardon, commutation of sentence, transfer and early release of persons convicted by the Tribunal, granting 11 such requests and rejecting 3.

5. Transition to the International Residual Mechanism for Criminal Tribunals

16. The Hague branch of the International Residual Mechanism for Criminal Tribunals commenced operations on 1 July 2013. The President has taken active steps to ensure a smooth handover of functions to the Mechanism, liaising with internal and external stakeholders, and facilitating the development of necessary practices and procedures.

B. Bureau

17. Pursuant to rule 23 of the Rules, the Bureau is composed of the President, the Vice-President and the presiding judges of the Trial Chambers. During the reporting period the President consulted the Bureau on requests for pardon, commutation of sentence and early release of convicted persons serving their sentences. The Bureau also advised the President on general policy matters relevant to the Tribunal.

C. Coordination Council

18. Pursuant to rule 23 bis of the Rules, the Coordination Council consists of the President, the Prosecutor and the Registrar. The Council held several meetings during the reporting period to discuss, inter alia, archives, budgetary concerns, and ensuring a smooth transition to the Mechanism.

D. Plenary sessions

19. During the reporting period, the judges held one plenary session, on 20 November 2012.

E. Rules Committee

20. The judicial membership of the Rules Committee comprises Vice-President Carmel Agius (Chair), President Theodor Meron, and Judges Christoph Flügge, Alphons Orie and O-Gon Kwon. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. During the reporting period, the Rules Committee met twice, on 28 January and 9 April 2013, to discuss proposals to the Rules and make recommendations to the judges.

III. Activities of the Chambers

A. Composition of the Chambers

21. Twenty-two judges from 21 countries currently serve at the Tribunal. The Chambers are currently composed of 13 permanent tribunal judges, 5 permanent judges of the International Criminal Tribunal for Rwanda serving in the Appeals Chamber, and 4 ad litem judges.

22. The Tribunal's permanent judges are Theodor Meron (President, United States of America), Carmel Agius (Vice-President, Malta), Christoph Flügge (Germany), Alphons Orie (Netherlands), O-Gon Kwon (Republic of Korea), Patrick Robinson (Jamaica), Fausto Pocar (Italy), Liu Daqun (China), Jean-Claude Antonetti (France), Bakone Justice Moloto (South Africa), Burton Hall (Bahamas), Howard Morrison (United Kingdom of Great Britain and Northern Ireland), and Guy Delvoie (Belgium). The permanent judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber are Mehmet Güney (Turkey), and, following their redeployment from the Trial Chamber of the International Criminal Tribunal for Rwanda to the Appeals Chamber, Arlette Ramaroson (Madagascar),

effective 22 September 2011, Khalida Rachid Khan (Pakistan), effective 1 March 2012, Bakhtiyar Tuzmukhamedov (Russian Federation), effective 29 June 2012, and William Hussein Sekule (United Republic of Tanzania), effective 10 March 2013. Andrésia Vaz (Senegal), a permanent judge of the International Criminal Tribunal for Rwanda, served in the Appeals Chamber during the reporting period but demitted office on 31 May 2013.

23. The Tribunal's ad litem judges are Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Frederik Harhoff (Denmark), Flavia Lattanzi (Italy) and Melville Baird (Trinidad and Tobago). Prisca Matimba Nyambe (Zambia) served as an ad litem judge during the reporting period but left the Tribunal on 18 December 2012 upon completing her mandate. Árpád Prandler (Hungary) and Stefan Trechsel (Switzerland) served as ad litem judges during the reporting period but left the Tribunal on 7 June 2013 upon completing their mandates. Elizabeth Gwaunza (Zimbabwe) and Michèle Picard (France) served as ad litem judges during the reporting period, but left the Tribunal on 8 June 2013 upon completing their mandates.

24. At the close of the reporting period, the Trial Chambers were composed of Judges Flügge (presiding), Orie (presiding), Kwon (presiding), Antonetti, Moloto, Hall, Morrison, Delvoie, Mindua, Harhoff, Lattanzi and Baird.

25. At the close of the reporting period, the Appeals Chamber was composed of Judges Meron (presiding), Agius, Sekule, Robinson, Güney, Pocar, Liu, Ramaroson, Khan and Tuzmukhamedov.

B. Principal activities of the Chambers

26. There were no pretrial cases pending before Trial Chambers at the end of the reporting period.

1. Trial Chamber I

Mladić

27. Ratko Mladić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The Trial Chamber is composed of Judges Orie (presiding), Flügge and Moloto. The trial commenced on 16 May 2012, and the judgement is expected in July 2016.

Stanišić and Simatović

28. The judgement was rendered on 30 May 2013. The Trial Chamber, composed of Judges Orie (presiding), Picard and Gwaunza, acquitted Jovica Stanišić and Franko Simatović on all counts in the indictment.

2. Trial Chamber II

Goran Hadžić

29. Goran Hadžić is charged with 14 counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed

in Croatia and Serbia between 25 June 1991 and December 1993. The Trial Chamber is composed of Judge Delvoie (presiding), Hall and Mindua. The trial commenced on 16 October 2012, and the judgement is expected in December 2015.

Haradinaj et al.

30. The judgement was rendered on 29 November 2012. The Trial Chamber, composed of Judges Moloto (presiding), Hall and Delvoie, acquitted Ramush Haradinaj, Idriz Balaj and Lahij Brahimaj on all counts in the indictment.

Tolimir

31. The judgement was rendered on 12 December 2012. The Trial Chamber, composed of Judges Flügge (presiding), Mindua and Nyambe, found Zdravko Tolimir guilty of genocide, conspiracy to commit genocide, crimes against humanity, and a violation of the laws or customs of war. Tolimir was sentenced to life imprisonment.

Stanišić and Župljanin

32. The judgement was rendered on 27 March 2013. The Trial Chamber, composed of Judges Hall (presiding), Delvoie and Harhoff, found Mićo Stanišić and Stojan Župljanin guilty of crimes against humanity and violations of the laws or customs of war. Stanišić and Župljanin were each sentenced to 22 years of imprisonment.

3. Trial Chamber III

Karadžić

33. Radovan Karadžić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 1992 and 1995. The Trial Chamber is composed of Judges Kwon (presiding), Morrison, Baird and Lattanzi (reserve). The trial commenced on 26 October 2009, and is currently in the defence stage of the case, which commenced on 16 October 2012. The judgement is expected in July 2015.

Prlić et al.

34. The judgement was rendered on 29 May 2013. The Trial Chamber, composed of Judges Antonetti (presiding), Prandler, Trechsel and Mindua (reserve) found Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić guilty of crimes against humanity, violations of the laws or customs of war, and grave breaches of the Geneva Conventions. Prlić was sentenced to 25 years of imprisonment; Stojić, Praljak and Petković were each sentenced to 20 years of imprisonment; Ćorić was sentenced to 16 years of imprisonment; and Pušić was sentenced to 10 years of imprisonment.

Šešelj

35. Vojislav Šešelj is charged with nine counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia, Bosnia and Herzegovina and Vojvodina (Serbia) between August 1991 and September 1993. The Trial Chamber is composed of Judges Antonetti

(presiding), Harhoff and Lattanzi. Trial proceedings concluded on 20 May 2012 and the Chamber is now in the process of conducting deliberations and preparing the judgement. On 15 April 2013, the Chamber filed a scheduling order setting the date for the pronouncement of the judgement as 30 October 2013.

Krstić

36. The contempt judgement was rendered on 18 July 2013. The Trial Chamber, composed of Judges Baird (presiding), Kwon, Morrison and Lattanzi (reserve), found Krstić not guilty of contempt.

4. Rule 11 bis Referral Bench

37. The Rule 11 bis Referral Bench has transferred all low- and mid-level accused from its trial docket in accordance with Security Council resolution 1503 (2003). During the reporting period the Rule 11 bis Referral Bench issued a confidential decision in relation to a previously referred case.

5. Specially Appointed Chamber (rule 75 (H) and (G), rule 75 bis and rule 75 ter)

38. The Specially Appointed Chamber has issued 31 decisions and orders, deciding on applications filed by third parties for access to confidential information and evidence from 12 cases.

6. Principal activities of the Appeals Chamber

(a) Interlocutory appeals

39. The Appeals Chamber issued two decisions on interlocutory appeals, in the cases of *Karadžić* and *Prlić et al.*

(b) Contempt appeals

40. In the case of *Prosecutor v. Vojislav Šešelj*, the Appeals Chamber rendered contempt appeal judgements on 28 November 2012 and 30 May 2013 (cases No. IT-03-67-R77.3-A and No. IT-03-67-R77.4-A).

(c) Appeals on the merits

41. The Appeals Chamber rendered three final judgements during the reporting period.

42. In the case of *Prosecutor v. Ante Gotovina and Mladen Markač*, the appeal judgement was rendered on 16 November 2012. The Appeals Chamber reversed both appellants' convictions.

43. In the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, the appeal judgement was rendered on 4 December 2012. The Appeals Chamber reversed certain of Sredoje Lukić's convictions and reduced his sentence to 27 years' imprisonment; rejected all of Milan Lukić's grounds of appeal and affirmed his life sentence; and declined to grant the prosecution's grounds of appeal.

44. In the case of *Prosecutor v. Momčilo Perišić*, the appeal judgement was rendered on 28 February 2013. The Appeals Chamber reversed all of Perišić's convictions.

45. In addition, on 11 July 2013, the Appeals Chamber rendered a judgement in the prosecution's appeal of a partial acquittal, entered pursuant to rule 98 bis of the Rules, in the case of *Prosecutor v. Radovan Karadžić*. The Appeals Chamber reversed Karadžić's acquittal and remanded the matter to the Trial Chamber.

46. Three Appeals Chamber cases discussed in the previous annual report — *Prosecutor v. Nikola Šainović et al.*, *Prosecutor v. Vujadin Popović et al.*, and *Prosecutor v. Vlastimir Đorđević* — are still pending before the Appeals Chamber. Appeals from judgement in four additional cases were filed before the Appeals Chamber during the reporting period, in *Prosecutor v. Jadranko Prlić et al.*, *Prosecutor v. Jovica Stanišić and Franko Simatović*, *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, and *Prosecutor v. Zdravko Tolimir*. Appeal hearings were held in the *Šainović et al.* and *Đorđević* cases, and judgements in these two cases are forecast by the end of 2013. Pre-appeal activity is ongoing in the remaining cases pending before the Appeals Chamber.

47. A notice of appeal in the case of *Prosecutor v. Jadranko Prlić et al.* was filed prior to 1 July 2013. Accordingly, the Tribunal will retain jurisdiction over this appeal. The judgement in this appeal is forecast for mid-2017, at which point the Tribunal is expected to have completed its judicial work.

48. A total of 92 pre-appeal decisions and orders were issued during the reporting period.[1]

49. The Chamber is currently seized of two applications for review. The first was filed by Sredoje Lukić, of the appeal judgement in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*. The second was filed by defence counsel for the late Rasim Delić, of the trial judgement in the case of *Prosecutor v. Rasim Delić*.

IV. Activity of the Office of the Prosecutor

A. Completion of trials and appeals

50. During this reporting period, the Office of the Prosecutor has made substantial advances in finalizing its trial work and managing an intense appellate caseload, while preparing for the transition and transfer of its functions to the International Residual Mechanism for Criminal Tribunals.

51. In this period, judgements were issued in five trials (*Haradinaj et al.*, *Tolimir*, *Stanišić and Župljanin*, *Prlić et al.*, and *Stanišić and Simatović*), four appeals (*Lukić and Lukić*, *Gotovina and Markač*, *Perišić and Karadžić* (rule 98 *bis* appeal)) and three contempt cases (*Krstić*, *Rašić* and *Šešelj*). At the end of this reporting period two cases are in the prosecution evidence presentation phase (*Hadžić* and *Mladić*); one case is in the defence evidence presentation phase (*Karadžić*); and one case is awaiting judgement at the Trial Chamber level (*Šešelj*). In addition, seven cases are on appeal (*Popović et al.*, *Šainović et al.*, *Đorđević*, *Tolimir*, *Stanišić and Župljanin*, *Prlić et al.*, and *Stanišić and Simatović*). In addition, the Office of the Prosecutor has responded to defence motions for review and for reconsideration of final judgement in the *Delić* and *Sredoje Lukić* cases, respectively.

[1] This figure includes orders and decisions filed as at 30 July 2013.

52. While approaching the end of its mandate, the Office of the Prosecutor is busier than ever with some of the most significant cases yet prosecuted before the Tribunal. By using written evidence in place of live testimony, the Office of the Prosecutor has achieved significant savings in court time. As a result of these measures, however, the three remaining trials are proceeding at an intense pace, placing considerable additional strain on the trial team members, on top of the strain already imposed by staff attrition. Crucial support to trial work has been provided by the Appeals Division to minimize the impact of the loss of key personnel on the conduct of trials; however, with seven appeals under way, the resources of the Appeals Division are being severely stretched.

B. Cooperation

53. The Tribunal continued to rely on the full cooperation of States to fulfil its mandate. The cooperation of States of the former Yugoslavia remains important and is primarily focused on day-to-day support for ongoing trials and appeals. The Office of the Prosecutor continued to promote and assess cooperation between the Tribunal and the countries of the former Yugoslavia, and the Prosecutor continued to foster working relations with national prosecutors. In October 2012, and again in April and May 2013, the Prosecutor met with officials and/or prosecutors in Brijuni, Sarajevo and Belgrade to discuss cooperation and other issues of mutual relevance.

1. Cooperation of Serbia

54. Serbia continued to play an important role in ensuring the successful completion of the work of the Office of the Prosecutor. During meetings in Belgrade, representatives of the Government of Serbia reiterated their previous assurances that they would continue cooperating with the Office. Serbia has shown continued diligence in processing the requests of the Office for assistance, and has adequately facilitated its access to witnesses, including by facilitating the appearance of witnesses before the Tribunal. The Office of the Prosecutor will continue to request Serbia's cooperation in support of its ongoing casework in the months to come.

55. Following the arrests of the last of the Tribunal's fugitives, Mladić and Hadžić, Serbia undertook to provide the Office of the Prosecutor with comprehensive information explaining how a number of those fugitives evaded justice for so long prior to their capture, as well as to investigate and prosecute individuals who assisted in harbouring the fugitives. During the Prosecutor's visit to Belgrade in September 2012, the Serbian Prosecutor for War Crimes presented additional and more detailed information on the progress concerning investigation of the fugitive networks. The pace of investigations has finally increased, producing results in some areas. Serbia's work on the fugitive networks is ongoing and the Serbian authorities are encouraged to ensure that this issue is finalized in a prompt and effective manner.

2. Cooperation of Croatia

56. Over the course of the reporting period, the Croatian authorities provided timely and adequate responses to day-to-day requests of the Office of the Prosecutor

for assistance, and facilitated access to witnesses and evidence as required. The Office will continue to rely on Croatia's cooperation in upcoming trials and appeals.

3. Cooperation of Bosnia and Herzegovina

57. During this reporting period, the authorities of Bosnia and Herzegovina responded promptly and adequately to most of the requests of the Office of the Prosecutor for documents as well as access to government archives. The authorities also provided valuable assistance with witness protection matters and facilitated the appearance of witnesses before the Tribunal. The Office will continue to rely on Bosnia and Herzegovina's cooperation in upcoming trials and appeals.

58. The Office of the Prosecutor remains concerned, however, about the slow pace of the investigation and prosecution of category II cases transferred by the Office to Bosnia and Herzegovina. Only 4 of the 13 cases transferred between June 2005 and December 2009 have been completed, and the announced date of December 2013 for completion of the category II cases will not be met. During the Prosecutor's meetings with the new Chief Prosecutor in Sarajevo in April 2013, the Chief Prosecutor indicated that his office would increase efforts to address the issue. The Prosecutor agreed to return to Bosnia and Herzegovina in the following months to discuss practical steps that could be taken with a view to completing the category II cases. The Office of the Prosecutor also hopes that the authorities of Bosnia and Herzegovina will finalize investigations arising out of material transferred to them by the Office concerning crimes documented in cases before it, but which did not form part of indictments by the Tribunal.

4. Cooperation between States of the former Yugoslavia in judicial matters

59. The Office of the Prosecutor continued to promote improved cooperation and collaboration between Serbia, Bosnia and Herzegovina and Croatia in war crimes matters, which is essential for combating impunity in the former Yugoslavia. The Office also fostered productive working relationships between regional prosecutors. The prosecutor's office of Bosnia and Herzegovina signed protocols on the exchange of evidence and information in war crimes cases with the prosecutor's offices in Serbia and Croatia on 31 January 2013 and 3 June 2013 respectively. If properly implemented, the protocols could pave the way for the transfer of evidence between the signatories and offer practical solutions to problems such as parallel investigations. The Office of the Prosecutor encourages the respective authorities to continue to take the steps necessary to implement the relevant agreements.

60. However, the Office of the Prosecutor remained concerned about the serious challenges that remain in coordinating the activities of judicial institutions across the region. For example, legal barriers to the extradition of suspects continue to obstruct effective investigations. Urgent action is needed by political and legal authorities in the region to promote and strengthen regional cooperation in war crimes cases. Improved regional cooperation in tackling organized crime provides an important precedent, as evidenced by the agreement between Croatia and Serbia on extraditing their nationals regarding organized crime matters.

5. Cooperation of other States and organizations

61. Support from States outside of the former Yugoslavia, and international organizations, remains important to the successful completion of the Tribunal's

mandate. To progress its casework expeditiously, the Office of the Prosecutor must continue to access the wealth of information held in the archives and other institutions of United Nations Member States. The Office acknowledges the assistance it received from the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, OSCE, the Council of Europe and non-governmental organizations, including those active in the former Yugoslavia.

C. Effective implementation of national war crimes strategies

62. As the Tribunal moves closer to the completion of its mandate, the Office of the Prosecutor remains committed to promoting effective war crimes prosecutions in the former Yugoslavia. During this reporting period, the Office continued to provide information to assist national jurisdictions in prosecuting crimes arising out of the conflict in the former Yugoslavia, the volume of requests received increasing from the previous period. The joint European Union/Tribunal "liaison prosecutors" project, in its fourth year of operation, continued to form a central component of the Office's strategy to strengthen the capacity of national criminal justice systems in the former Yugoslavia for war crimes cases.

63. Serious issues remained, however, particularly regarding the implementation of the national war crimes strategy in Bosnia and Herzegovina. While a few hundred cases were transferred from the State to entity judicial organs, the Office of the Prosecutor did not receive any requests for assistance from the entity-level authorities and there has been little progress in processing cases at the entity level. As limited progress has been made, a considerable backlog remains, such that the authorities of Bosnia and Herzegovina have little or no prospect of meeting the 2015 deadline imposed as part of the strategy.

64. Comprehensive measures and a commitment to radical improvements are required to make the strategy effective, including the appointment of additional entity prosecutors and other qualified personnel, as well as the provision of adequate resources, including to overcome witness protection problems. The Office of the Prosecutor strongly encourages the responsible authorities to make the necessary resources available.

V. Activity of the Registry

65. During the reporting period, the Registry provided judicial, diplomatic, operational and administrative support for the Tribunal. The Registry also managed the Tribunal's Outreach Programme.

A. Office of the Registrar

66. The Immediate Office of the Registrar supported the Registrar in his overall responsibility of directing the Registry, including supervising all Registry sections and representing the Tribunal in its relations with the host State, embassies and ministries, the United Nations and other international organizations.

67. The Immediate Office of the Registrar also assisted the Registrar in formulating and implementing the Registry strategic priorities, proactively

streamlining operational procedures to reflect the continuing shift in the Tribunal's activities from trials to appeals and the transition from the Tribunal to the International Residual Mechanism for Criminal Tribunals.

68. In accordance with the Tribunal's completion strategy, the Immediate Office of the Registrar has, together with the Division of Administration, continued implementing the established downsizing process for the reduction of posts. The Office also assisted the Registrar in conceptualizing the restructuring of the Judicial Support Division, which is to be implemented in the next budget cycle.

69. The Immediate Office of the Registrar supported the Registrar in managing the Arusha Branch of the Mechanism and preparing for the commencement of Mechanism operations in The Hague on 1 July 2013. This involved providing substantial administrative and legal support, harmonizing Tribunal and Mechanism budget submissions, recruiting staff, and developing judicial support policies and procedures for the Mechanism.

70. In preparation for the transfer of records and archives to the Mechanism, all Registry sections cooperated with the Mechanism Archives and Records Section, which operates a central records centre for the non-judicial records of the Tribunal. Together with the Immediate Office of the Registrar, the Section drafted an emergency response and disaster recovery plan for the Tribunal's physical records repositories, prepared relevant guidelines, and provided training to staff to ensure the efficient and effective implementation of the Secretary-General's bulletin on international criminal tribunals: information sensitivity, classification, handling and access (ST/SGB/2012/3).

71. The Communications Service ensured that journalists had access to accurate and up-to-date information regarding the Tribunal's judicial activities, as well as relevant audiovisual materials for use in their reports. A number of high-profile media projects completed during the reporting period increased the visibility of the Tribunal's work internationally. Interest in the Tribunal remained high, with visits from over 8,500 individuals, including approximately 315 from the former Yugoslavia. The Communications Service also promoted media coverage of the Tribunal's twentieth anniversary and the launch of the Hague Branch of the Mechanism.

72. The Tribunal continued to expand its presence on social media platforms. On a monthly basis, the contents posted on the Tribunal's Facebook page garnered between 10,000 and 30,000 views. Viewers from the former Yugoslavia constituted about 30 per cent of the audience. The Tribunal's Twitter account has also shown steady growth in its audience. The Tribunal's YouTube channel now has a total of 1.5 million views for its 1,625 videos, 50 per cent of whom are from the former Yugoslavia.

73. The Outreach Programme continued to promote the rule of law in the former Yugoslavia by delivering factual information about the Tribunal's work and legacy, thus stimulating debate in the region about wider issues of justice, transitional justice mechanisms, and post-conflict recovery. As a part of these efforts, the Outreach Programme organized two regional legacy conferences, one in Bosnia and Herzegovina and one in Croatia, and launched the second phase of a youth outreach effort in high schools and universities in Bosnia and Herzegovina, Croatia, Montenegro and the former Yugoslav Republic of Macedonia, reaching a total of

1,650 young people. The Outreach Programme also produced a documentary about the Tribunal's work in relation to crimes committed in the municipality of Prijedor in Bosnia and Herzegovina, and hosted a series of premieres and round-table debates about the film in the region.

74. The Tribunal's field offices in Belgrade and Sarajevo continued liaison and outreach activities throughout the reporting period. The field offices in Zagreb and Pristina were closed at the end of 2012, in line with the completion strategy. Together, those offices organized approximately 30 outreach events during the reporting period, reaching more than 2,750 individuals. In preparation for the launch of the Mechanism in The Hague, promotional activities on its role and functions were organized in Belgrade and Sarajevo for representatives of local judiciaries and non-governmental organizations.

75. The Outreach Programme continues to rely entirely on external funding. While resources to support activities in 2013-2014 have been secured from a new European Union funding source, the funding will suffice for only half of the two-year programme. Pursuant to General Assembly resolution 65/253, the Outreach Programme will continue its fundraising efforts. The Tribunal respectfully calls upon States and other donors to continue and increase support for outreach activities at this critical junction of the Tribunal's mandate.

B. Judicial Support Division

76. During the reporting period, the Court Management and Support Services Section supported nine cases at trial, 11 cases on appeal, and four contempt cases,[2] including support for 11 videoconference links and 11 rule 92 bis missions. It also assisted three self-represented accused through its *pro se* office, resolving various issues arising in the course of their proceedings. As at 31 July 2013, the Section had processed 8,774 filings (approximately 248,505 pages) submitted by parties and others in proceedings before the Tribunal. The Office of Document Management received 140,114 pages of translation requests, of which 10,324 pages were identified as duplicate pages, resulting in savings of approximately $836,224. The Section has also established protocols and implemented systems for the sharing and transfer of judicial records between the Tribunal and the Mechanism.

77. The Conference and Language Services Section continued to provide interpretation, translation and court reporting services for the Tribunal, as well as translation services for the Mechanism in Arusha. As at 31 July 2013, the Section had translated approximately 59,000 pages into English, French, Bosnian/Croatian/Serbian, Albanian and Macedonian, while trial support and translation of judgements and other legal documents continued and is still ongoing. The interpretation unit registered close to 3,600 conference interpreter days. The court reporting services produced over 71,000 transcript pages. Interpretation services were also provided for official meetings, witness proofing sessions, and missions away from the seat of the Tribunal, including in the region of the former Yugoslavia.

78. As at 31 July 2013, the Victims and Witnesses Section had assisted 509 witnesses and accompanying support persons travelling to The Hague to give

[2] These figures include an appeal from an acquittal entered pursuant to rule 98 bis of the Rules; cases with both trial and appeal components are counted twice.

evidence. The Section's Protection Unit coordinated professional responses to an increased number of threats to witnesses made before, during and after their appearances to give evidence in Tribunal proceedings, and it worked on relocating protected witnesses. The Section has worked closely with the Mechanism in Arusha to prepare harmonized victim and witness policies and practices.

79. During the reporting period the former Office for Legal Aid and Detention Matters was restructured. Its detention-related functions were transferred to the United Nation Detention Unit and its legal aid functions remained with the renamed Office for Legal Aid and Defence Matters, which continued to administer the Tribunal's legal aid system, overseeing an average of 275 defence team members. Of the 35 accused in trial and appeal proceedings during the reporting period, 31 were found unable or partially unable to remunerate counsel and were thus granted legal aid. Over half of those cases were ranked at the highest complexity level. The Office for Legal Aid and Defence Matters also provided counsel to detained witnesses and administered the appointment and remuneration of *amici curiae*. In compliance with the Tribunal's downsizing efforts, the Office reduced its legal aid budget by 18 per cent from the preceding biennium. In preparation for the transfer of functions to the Mechanism, the Office provided assistance regarding management of the legal aid system.

80. The United Nations Detention Unit continued to provide security and care for 24 detainees under the Tribunal's authority, and preparations were made to ensure satisfactory levels of security and care for detainees held under the authority of the Mechanism. All of the detainees were provided with medical care and any necessary specialist medical assistance. The Detention Unit also continued to facilitate the detainees' presence at court hearings on a daily basis and supervised the provisional releases of a number of detainees. With regard to self-represented accused, the Detention Unit ensured that they were provided with additional storage and office space, computer and database access tailored to the detention environment, and the ability to conduct witness interviews, whether in person or via videoconference. The Detention Unit also accommodated a number of detained witnesses and facilitated contact between detainees and the media where appropriate.

C. Administrative Support Service Division

81. By its resolution 66/239, the General Assembly, having considered the reports of the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget, appropriated $281,036,100 gross for the Tribunal's budget for the biennium 2012-2013.

82. During the biennium 2012-2013, extrabudgetary resources are estimated at $1,880,185, funds which will be utilized for a variety of Tribunal activities. As at 31 July 2013, the Voluntary Fund had received a lifetime total of approximately $51.8 million in cash donations. For the period from 1 August 2012 to 31 July 2013, the Tribunal received and administered $1,032,347 in voluntary cash contributions.

83. The Division of Administration remained actively engaged in downsizing efforts and the second comparative review process, which was formulated in consultation with staff representatives. The approved budget for 2012-2013 features a net reduction of 120 posts.

84. The Division also coordinated the preparation of the proposed budget for the biennium 2014-2015, as well as the formulation of the second budget for the Hague Branch of the Mechanism. A comprehensive administrative closure plan was developed and adopted during the reporting period and, in line with the completion strategy, the Division oversaw the closure of the Zagreb and Pristina field offices at the end of 2012. Finally the Division provided administrative support to assist the establishment of the Mechanism throughout the biennium.